

Department of Legislative Services
 Maryland General Assembly
 2006 Session

FISCAL AND POLICY NOTE
 Revised

House Bill 1172
 Judiciary

(Delegate Cryor, *et al.*)

Judicial Proceedings

Public Safety - Missing Persons - Reports and Investigations

This bill standardizes procedures for reports and investigations of missing persons.

Fiscal Summary

State Effect: General fund expenditure increase for the Police Training Commission of \$32,700 in FY 2007 and \$33,900 in FY 2008 only. Other responsibilities under the bill could be handled with the existing budgeted resources of the Office of the Chief Medical Examiner and the State Police.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	32,700	33,900	0	0	0
Net Effect	(\$32,700)	(\$33,900)	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: Under the bill, a law enforcement agency may not establish a mandatory waiting period before taking a missing person report. A law enforcement agency must make every effort to inform the general public and the family of a missing person that the agency does not impose a mandatory waiting period before taking a missing person report.

A law enforcement agency must, without delay, accept a report of a missing person provided in person, and may accept a report of a missing person by phone or other electronic means if that form of reporting is consistent with the policy of the agency, and the reporting person completes the report in person as soon as possible.

By October 1, 2008, all law enforcement agencies in the State must begin using a uniform report form developed by the Police Training Commission when taking a missing person report. The Police Training Commission is required to develop, with the cooperation of the office of the Chief Medical Examiner and the FBI, a uniform missing person report form to be available for use by each law enforcement agency of the State by October 1, 2008.

The Office of the Chief Medical Examiner is required to maintain files of DNA samples and photographs of unidentified human remains. The cremation of human remains is subject to current law provisions governing required authorization and identification. The bill authorizes a person to delegate authority for final disposition of a body for cremation by electronic communication, rather than by telegram.

Current Law: The AMBER Alert Plan in Maryland is a voluntary partnership between law enforcement agencies and broadcasters to activate an urgent bulletin in the most serious child abduction cases. Broadcasters use the Emergency Alert System, formerly called the Emergency Broadcast System, to air a description of the abducted child and suspected abductor. This is the same concept used during severe weather emergencies. AMBER Alert information is coordinated by the Maryland State Police.

Section 9-501 of the Criminal Law Article prohibits a person from making, or causing to be made, a statement, report, or complaint that the person knows to be false as a whole or in material part, to a law enforcement officer of the State, a political subdivision, or the Maryland-National Capital Park and Planning Police with intent to deceive and to cause an investigation or other action to be taken as a result of the statement, report, or complaint. A violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for six months and/or a fine of \$500.

A person may not cremate a body until it has been identified by: (1) the next of kin; (2) a person authorized under the Health-General Article to arrange for final disposition of the body; or (3) a medical examiner. If a person who is authorized to arrange for final disposition of a body is not available to identify the body and authorize cremation, that person may delegate the authority to another person by sending to the delegate a telegram containing the name, address, and relationship of the sender to the deceased and the name and address of the individual to whom authority is delegated. Written authorization must follow by mail but does not take precedence over the telegram authorizing the identification and cremation.

The State Anatomy Board administers the State's body donor program and has jurisdiction over all unclaimed dead bodies in the State. All bodies unclaimed after 72 hours go to the anatomy board. No schools of medicine administer their own body donor programs. The anatomy board is housed within the University of Maryland School of Medicine. It does not have facilities of its own in which to operate a surgical study laboratory and it has not issued any regulations to operate one.

Background: According to Maryland's AMBER Alert Plan, when the abduction of a child of 14 or under (or 15-17 with extenuating circumstances) occurs, police officers responding to the call will contact a State Police duty officer trained to handle such cases. After verifying the abduction meets the AMBER Alert criteria, the State Police activate the Emergency Alert System, notifying radio, television and cable outlets, the Maryland Department of Transportation, and surrounding states.

According to the State Police, since 2002, there have been 14 AMBER Alert activations in Maryland and 3 involved false reports. According to the National Center for Missing and Exploited Children, the bill is believed to be the first of its kind nationally, whereby the false report offense is directly connected with the activation of an AMBER Alert.

Chapter 528 of 2004 established a Task Force on Missing Vulnerable Adults to, in part, investigate integration with AMBER Alert in Maryland and the broadcast media in locating missing vulnerable adults. This bill arises from the recommendations of the final report of the task force (October 1, 2005).

The Maryland Police and Correctional Training Commissions are the primary providers of correctional entrance level, and mandated police and correctional administrator, supervisor and instructor training in Maryland. They are a part of the Department of Public Safety and Correctional Services.

State Fiscal Effect: This bill requires the Police Training Commission to develop a uniform missing persons report with the cooperation of the Office of the Chief Medical Examiner and the FBI. There is no statewide missing persons report currently utilized in Maryland and a new reporting form and instructions would need to be developed that could be used uniformly in the over 170 police agencies in the State. It is expected that the form used to meet the requirements of this bill would be similar in form and format to the Maryland Automatic Reporting System developed and utilized by the Maryland State Police.

Accordingly, general fund expenditures could increase by an estimated \$32,708 in fiscal 2007, which accounts for the bill's October 1, 2006 effective date. This estimate reflects the cost of hiring one contractual administrator to survey and research the currently used

local and national formats, consult and meet with various Maryland police agencies, design and test the forms (which could include electronic versions), develop instructions, and train the 170 police agencies in its use by the October 1, 2008 deadline. It includes a salary, fringe benefits, and travel costs.

Salary and Fringe Benefits	\$31,208
Travel	<u>1,500</u>
Total FY 2007 State Expenditures	\$32,708

Future year expenditures reflect: (1) a full salary with a 4.6% annual increase for fiscal 2008 – the administrator is expected to complete all duties by April 1, 2008; and (2) a 1% annual increase in travel expenses.

The Office of the Chief Medical Examiner reports that the requirements of this bill are already being met and include full body photographs, DNA samples via bone sections, and dental impressions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Prince George's County, Garrett County, Judiciary (Administrative Office of the Courts), Department of State Police, Department of Health and Mental Hygiene (Office of the Chief Medical Examiner), Department of Public Safety and Correctional Services (Police and Correctional Training Commissions), Department of Legislative Services

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